

Appl. No. 09/488,469
Amtd. Dated January 8, 2004
Reply to Office Action of October 8, 2003

Attorney Docket No. 81752.0023
Customer No.: 26021

REMARKS/ARGUMENTS

Claims 1-25 are pending in the Application. By this Amendment, the specification including the Abstract and Fig. 1 of the drawings are being amended. Also, claims 1 and 14 are being amended to correct typographical errors therein.

In Paragraph 3 on page 2 of the Office Action, the Abstract is objected to because of undue length. In response, Applicants are amending the Abstract by deleting the latter part thereof so as to shorten the length to under 150 words. As so amended, the Abstract is now submitted to be in appropriate form.

In Paragraph 4 at the bottom of page 2 and in Paragraph 5 at the top of page 3 of the Office Action, the drawings are objected to. In response, Applicants are amending the drawings as suggested. More specifically, Fig. 1 is being amended by adding the reference number "240" thereto to identify the "RAM", and the objected-to connecting lines extending to the right of the power supply block 290 are being deleted. A replacement sheet of drawing is enclosed, as well as an annotated sheet showing the changes, which attachments form an appendix at the end of this paper. In view of the amendments to Fig. 1, several lines at the end of the paragraph which begins at page 19, line 18, and ends at page 20, line 7, are being deleted.

In Paragraph 6 which begins on page 3 of the Office Action, claims 1-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of co-pending application No. 09/487,503. At such time as the application is ready for allowance except for this rejection, Applicants will file a terminal disclaimer to remove the rejection.

In Paragraph 8 which begins at the bottom of page 6 of the Office Action, claims 1-6, 10-19 and 23-25 are rejected under 35 U.S.C. § 103(a) as being

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unpatentable over the Adobe publication in view of the Kang publication. In Paragraph 9 which begins on page 12 of the Office Action, claims 7-9 and 20-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Adobe in view of Kang, and further in view of U.S. Patent 6,532,078 of Hayama. These rejections are respectfully traversed.

In applying the Adobe reference, the Office Action refers to the section at page 214 "To change the foreground and background color" and the section at page 218 "Using the Adobe Photoshop Color Picker". In this connection, the Office Action states that "a user can select a foreground color out of the complete set of colors in the foreground image, to change the background color". This is said to read on "setting, out of said candidates for said main image gradation value set, one corresponding to said background image represented by said background image data item to said main image gradation value set" which is a feature of the present invention.

The Kang reference is said to teach a threshold array applied to four different input images to produce output binary output bitmaps as illustrated in figure 13-37, page 251. This part is said to read on "assigning a validity indicative one of predetermined two values to all pixels of said main shape image as said all valid pixels of said main image, and assigning an invalidity-indicative one of said predetermined two values to the remaining pixels of the main image". The Office Action then states that the combination of the two references would render the present invention obvious to one skilled in the art.

While it is true that Kang shows white and black (two-valued) outputs, it is also true that the Adobe publication has a description on page 218 "to select the foreground or background color by choosing from a color spectrum or by defining colors numerically". This color selection in the Adobe publication seems to be

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nothing more than the selection of the color for the foreground or for the background. It follows that such teaching does not disclose or suggest the feature in accordance with the present invention as set forth in the last paragraph of claim 1, for example. Such language in claim 1 recites "forming a synthesized image data item representative of said synthesized image by synthesizing said main image and said background image based on a main image data item representative of said main image and said background image data item". Further, the Adobe reference fails to disclose or suggest the feature set forth beginning at line 23 of claim 1 where it recites "setting, out of said candidates for said main image gradation value set, one corresponding to said background image represented by said background image data item to said main image gradation value set" (emphasis added).

It follows that even with the attempted combination of the two-value output of Kang with the Adobe publication, there is no showing or suggestion of allocating two-valued outputs in relation to the main image gradation value set corresponding to the background image. Consequently, the present invention as set forth in the claims clearly distinguishes patentably over the attempted combination of prior art references. The advantageous feature in accordance with the invention is described at lines 18-32 of page 7.

For these reasons, claim 1 is submitted to clearly distinguish patentably over the art. Claims 2-12 depend, directly or indirectly, from claim 1 and contain all of the limitations thereof so as to also distinguish patentably over the art. Independent claims 13 and 14 contain similar limitations so as to distinguish patentably over the art, as do claims 15-25 which depend, directly or indirectly, from claim 14.

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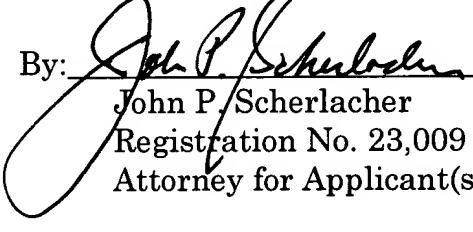
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6746 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: January 8, 2004

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Annotated Sheet Showing Changes

FIG. 1

